

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

Soverain Software LLC,

Plaintiff,

Civil Action No. 6:09-cv-274 LED

J.C. Penney Corporation, Inc,
Amway Corp.,
Avon Products, Inc.,
Bidz.com, Inc.,
Etronics, Inc.,
HSN, Inc.,
HSN Improvements, LLC,
Cornerstone Brands, Inc.,
Ballard Designs, Inc.,
Garnet Hill, Inc.,
Smith & Noble, LLC,
The Territory Ahead, Inc.,
QVC, Inc.,
Shutterfly, Inc.,
Victoria's Secret Stores Brand Management,
Inc.,
Victoria's Secret Direct Brand Management,
LLC,
VistaPrint, Ltd., and
VistaPrint USA, Inc.

Defendants.

NOTICE OF DISMISSAL OF ETRONICS, INC. WITHOUT PREJUDICE

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Plaintiff Soverain Software, LLC and files this its Notice of Dismissal of Etronics, Inc., WITHOUT PREJUDICE.

Plaintiff hereby provides notice of dismissal of Etronics, Inc. pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i). Defendant Etronics, Inc. has been served with process but has not filed an answer or a motion for summary judgment. This case is not a class action. A receiver has not been

appointed in this case. This case is not governed by any federal statute that requires a court order for dismissal of the case. Plaintiffs have not previously dismissed any federal or state court suit based on or including the same claims as those presented in this case against the same defendant. This dismissal is without prejudice to refiling. Only Defendant Etronics, Inc. is dismissed from this claim.

Dated: September 10, 2009.

Respectfully submitted,

/s/ Michael C. Smith

Michael C. Smith
State Bar No. 18650410
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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing document was served on all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document through the Court's CM/ECF system under Local Rule CV-5(a)(3) on this the 10th day of September, 2009.

/s/ Michael C. Smith

Michael C. Smith